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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**

11 VOSSEN WHEELS, INC.,

12 Plaintiff,

13 v.

14 TOPRICH (U.S.A.), INC. D/B/A  
15 REDLINE WHEELS, INC.; JAT  
16 WHEELS, INC. D/B/A STR RACING;  
A SPEC WHEELS & TIRES, LLC;  
ALICIA LUO; AND DOES 1-10,

17 Defendants.  
18

Case No. 13-CV-7747

**VERIFIED COMPLAINT**

**JURY TRIAL REQUEST**

19  
20 COMES NOW the Plaintiff, Vossen Wheels, Inc. (hereinafter "Plaintiff" or  
21 "Vossen"), and for its cause of action against Defendants, Toprich (U.S.A.), Inc.  
22 doing business as Redline Wheels, Inc. ("Redline Wheels"), JAT Wheels, Inc. doing  
23 business as STR Racing ("STR Racing"), A Spec Wheels & Tires, LLC ("A Spec  
24 Wheels"), Alicia Luo, and Does 1-10 (herein being sometimes referred to as  
25 "Defendants") for trademark and patent infringement, Vossen alleges:

26 **Parties and Jurisdiction**

27 1. Vossen is a corporation formed under the laws of Florida and having its  
28 principal place of business at 10460 SW 186 Street, Miami, Florida 33157.

1           2.     Upon information and belief, Toprich (U.S.A.), Inc. d/b/a Redline  
2 Wheels is a corporation formed under the laws of California, and having a place of  
3 business at 9754 Alburtis Ave., Santa Fe Springs, California 90670, and at 2107-D  
4 W. Commonwealth Ave. #392, Alhambra, California 91803.

5           3.     Upon information and belief, JAT Wheels, Inc. d/b/a STR Racing is a  
6 corporation formed under the laws of California, and having a place of business at  
7 9754 Alburtis Avenue, Santa Fe Springs, California 90670, and at 2107-D  
8 W. Commonwealth Ave. #392, Alhambra, California 91803.

9           4.     Upon information and belief, A Spec Wheels is a limited liability  
10 company formed under the laws of California having its principal place of business  
11 at 2035 America Avenue, Hayward, California 94545.

12           5.     Upon information and belief, Alicia Luo is an individual residing at  
13 9754 Alburtis Avenue, Santa Fe Springs, California 90670, and at 2107-D W.  
14 Commonwealth Ave. #392, Alhambra, California 91803.

15           6.     Upon information and belief, Does 1-10 are various persons now  
16 unknown residing within this district.

17           7.     Defendants import, sell, offer to sell, and distribute products within this  
18 district, including the “STR 613” wheels.

19           8.     This is a complaint for infringement of U.S. Patent No. D681,541 (“the  
20 ‘541 patent”) under 35 U.S.C. §271, common law trademark infringement of the  
21 “VOSEN” trademark, and trademark infringement and false designation of origin  
22 under 15 U.S.C. § 1125.

23           9.     The Court has original and exclusive jurisdiction over the subject  
24 matter of the complaint under 28 U.S.C. §§ 1331, 1338(a) and supplemental  
25 jurisdiction over the pendant state law trademark infringement claim under 28  
26 U.S.C. § 1367. Venue is proper under 28 U.S.C. §§ 1391 and 1400(a).

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1           10. This Court also has jurisdiction pursuant to 28 U.S.C. § 1332, diversity  
2 of citizenship of the parties, the amount in controversy exclusive of interests and  
3 costs exceeds the sum of seventy-five thousand dollars (\$75,000.00).

4 **General Allegations**

5           11. Plaintiff is an internationally known designer and seller of vehicle  
6 wheels, including aftermarket vehicle wheels that may be retrofitted onto  
7 automobiles. Plaintiff's products have attained an extraordinary level of popularity  
8 and recognition in the United States and around the world, and are the subject of  
9 public interest in the aftermarket wheel industry.

10           12. Plaintiff promotes and sells its vehicle wheel products in association  
11 with its well-known trademark VOSSEN.

12           13. With over 25 years of experience, Vossen strives to provide its  
13 customers with vehicle wheel products that are among the most innovative in the  
14 industry and that are of the highest quality.

15           14. Vossen provides high quality customer service in the manufacturing,  
16 sales and service of its products.

17           15. Plaintiff puts every one of its vehicle wheels through exacting  
18 standards of testing and quality control. These high standards allow Plaintiff to  
19 provide an industry leading five-year workmanship warranty and a lifetime  
20 structural warranty, which proves Vossen stands behind its product 100%.

21           16. Plaintiff is a global company with worldwide distribution in over 30  
22 countries. Vossen has gained worldwide recognition and reputation for its high  
23 quality wheels marketed under its VOSSEN mark.

24           17. Plaintiff is the owner of the entire right, title and interest in the '541  
25 patent by virtue of an assignment, which has been duly recorded at the United States  
26 Patent and Trademark Office. A copy of the '541 patent is attached hereto as  
27 Exhibit 1.  
28







1           45. Through its promotional efforts, business conduct, and continuous use  
2 of Plaintiff's VOSSEN trademark, Plaintiff has developed and maintained customers  
3 throughout the United States, including within California and within this district,  
4 and around the world. Plaintiff's VOSSEN mark has become, through widespread  
5 and favorable public acceptance and recognition, an asset of substantial value as a  
6 symbol of Plaintiff, its high quality products, and its immeasurable goodwill.

7           46. Defendants have used and continue to use their confusingly similar  
8 mark in California and elsewhere, or otherwise assist in the unauthorized and  
9 infringing use of the VOSSEN mark by others, all of which has created confusion in  
10 the marketplace regarding origin of the respective wheels of Vossen and  
11 Defendants.

12           47. Defendants misconduct in using Plaintiff's VOSSEN mark on wheels  
13 or closely related goods tarnishes and disparages Plaintiff's hard-earned goodwill.

14           48. Defendant's commercial use of the VOSSEN mark has caused, and will  
15 likely continue to cause, confusion in the marketplace with Plaintiff's mark.  
16 Defendants' use of Plaintiff's VOSSEN mark has caused and will likely continue to  
17 cause consumer confusion, mistake or deception with respect to the association (or  
18 lack thereof) of Defendants to Plaintiff, or as to the origin, sponsorship or approval  
19 of Defendants' products by Plaintiff.

20           49. Further, Defendants' use of Plaintiff's VOSSEN mark or a mark  
21 confusingly similar to Vossen in commercial advertising and promotion  
22 misrepresents the nature, characteristics, qualities and origin of Defendants'  
23 products.

24           50. Plaintiff has been, and continues to be, injured by Defendants'  
25 unauthorized and unlawful use of Plaintiff's VOSSEN mark.

26           51. Defendant's use of Plaintiff's VOSSEN mark has caused, and continues  
27 to cause, irreparable harm to Plaintiff and Plaintiff's goodwill and reputation.  
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1           3.           That Defendants be required to account to Plaintiff for Defendants'  
2 profits and be liable to Plaintiff to the extent of their total profit as a result of the  
3 infringement of the '541 patent (35 U.S.C. § 289);

4           4.           That judgment be entered against Defendants for Plaintiff's  
5 damages in an amount to be determined at trial, and for prejudgment interest based  
6 upon infringement damages accruing from the date of Defendants' acts of  
7 infringement;

8           5.           That a determination be made that Defendants' actions were willful  
9 in disregard of Plaintiff's rights and be required to pay to Plaintiff the costs of this  
10 action and Plaintiff's reasonable attorney fees (35 U.S.C. § 285), and that such  
11 damages be trebled;

12          6.           That an order issue directing Defendants to deliver to Plaintiff for  
13 immediate destruction all remaining products, advertisements, circulars, brochures  
14 or other promotional or advertising items, web site or other materials for its  
15 infringing wheels;

16          7.           A preliminary and permanent injunction enjoining Defendants, their  
17 employees, agents, officers, directors, attorneys, representatives, successors,  
18 affiliates, subsidiaries and assigns, and all those in concert or participation with any  
19 of them from:

20                   (a) imitating, copying, using, reproducing, registering, attempting to  
21 register and/or displaying any mark so resembling any Plaintiff's VOSSEN  
22 mark as to be likely to cause confusion, mistake or deception therewith; and

23                   (b) using any false description or representation or any other thing  
24 calculated or likely to cause consumer confusion, deception or mistake in the  
25 marketplace with regard to Plaintiff's VOSSEN mark or products sold  
26 thereunder;

27          8.           An order directing that Defendants remove all signage and deliver up  
28 for destruction all materials and matter in its possession or custody or under its

1 control that infringe Plaintiff's VOSSEN mark, including, without limitation, all  
2 advertising and promotional materials;

3 9. An order for corrective advertising in a form, manner and frequency  
4 that is acceptable to Plaintiff and the Court;

5 10. An order directing that Defendants file with the Court and serve upon  
6 counsel for Plaintiff within thirty (30) days after the entry of such order or  
7 judgment, a report in writing and under oath setting forth in detail the manner and  
8 form in which it has complied with this Court's orders;

9 11. Judgment against Defendants, awarding Plaintiff all profits of  
10 Defendants resulting from their misconduct alleged herein, in an amount to be  
11 proven at trial;

12 12. Judgment against Defendants, awarding Plaintiff treble damages based  
13 upon Defendants' profits after an accounting thereof, including all statutory  
14 enhancements and other enhancements on account of the willful nature of  
15 Defendants' misconduct;

16 13. An award of prejudgment and post judgment interest;

17 14. An award of Plaintiff's costs and expenses, including, without  
18 limitation, Plaintiff's attorneys' fees incurred herein; and

19 15. Plaintiff seeks such other and further relief as may be proper and just.  
20

21 DATED: October 18, 2013

Respectfully submitted,

22 FULWIDER PATTON LLP

23 By: /s James Juo

24 Gary M. Anderson  
25 James Juo  
26 Attorneys for PLAINTIFF  
27 Vossen Wheels, Inc.  
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**JURY TRIAL REQUEST**

Plaintiff hereby demands trial by jury on all issues raised by the Complaint.

DATED: October 18, 2013

Respectfully submitted,

FULWIDER PATTON LLP

By: /s James Juo

Gary M. Anderson

James Juo

Attorneys for PLAINTIFF

Vossen Wheels, Inc.

VERIFICATION

Javad Azadi states that he is duly authorized representative of Plaintiff and that he verifies the allegations in the Complaint and that to the best of his knowledge and belief all allegations are true and correct.

  
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Javad Azadi